

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

APR 25 2006

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MICHAEL H. PERONEK and KEVIN SWEENEY

Application No. 10/680,510

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On June 27, 2005, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS submitted or whether the examiner notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Also, in the examiner's answer (page 4, paragraph 8) mailed on January 11, 2006, the examiner has listed as prior art, JP61-93093 and JP6-247432. A review of the file reveals that full English translations were not provided for these references. Before further review of this application, the examiner must submit English translations.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consider the Information Disclosure Statement filed June 27, 2005; 2) provide appropriate written notification by the examiner to appellants of such consideration; 3) acquiring and entry of English translations for JP61-93093 and JP6-247432; 4) providing copies of the translations to the applicants; and 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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Application No. 10/680,510

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DMS/tdl